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From : Richard J. Warburg

Date : May 19, 2004

Client/Matter No : 071949-1315

User ID No : 1879

**MESSAGE:**Re: U.S. Patent Application No. 09/982,629  
Our Ref.: 071949-1315

Attached please find:

- Transmittal (1 pg.);
- Interview Summary (2 pgs.);
- Authorization to charge Deposit Account No. 50-0872 any fees due.


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Operator:	Time Sent:	Return Original To: Germaine Sarda
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler  
Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE CONTROLLED  
MOVEMENT OF REAGENTS  
WITHOUT MEMBRANES  
Appl. No.: 09/982,629  
Filing Date: 10/18/2001  
Examiner: Lyle Alexander  
Art Unit: 1743

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>Germaine Sarda</u> (Printed Name)  (Signature)  <u>May 19, 2004</u> (Date of Deposit)
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**TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find:

☒ Interview Summary (2 pages).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date May 19, 2004

FOLEY & LARDNER LLP  
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Facsimile: (858) 792-6773

By 

Richard J. Warburg  
Attorney for Applicant  
Registration No. 32,327

MAY 19 2004

Docket No. 071949-1315

Patent

**OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler

Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE  
CONTROLLED MOVEMENT OF  
REAGENTS WITHOUT  
MEMBRANES

Appl. No.: 09/982,629

Filing Date: 10/18/2001

Examiner: Lyle Alexander

Art Unit: 1743

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<i>Germaine Sarda</i> (Printed Name)
<i>Germaine Sarda</i> (Signature)
<i>May 19, 2004</i> (Date of Deposit)

**INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A telephonic interview was conducted with Examiner Alexander and Barry Wilson on April 9, 2004. Dr. Wilson initiated the call to discuss the Advisory Action issued March 29, 2004. Dr. Wilson discussed that the Buechler declaration distinguishes capillary channels from the wicking porous materials described in Kuhn et al (U.S. 5,202,268) which are indicated to have "capillary action" (col. 4, line 33). The examiner admitted that the barriers described in Kuhn are not capillary channels. Dr. Wilson referred the Examiner to pages 3-4 of the instant specification which teaches that porous wicking materials are not needed to control liquid flow in the inventive device. The Examiner indicated that further discussions with a supervisory examiner will be undertaken before issuing a formal reply.

Docket No. 071949-1315  
Patent

**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the telephone number listed below so that they may be resolved without the need for an additional action.

Respectfully submitted,

Date May 19, 2004

By 

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